

2009 DRAFTING REQUEST

Bill

Received: **09/19/2008**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-2288**

By/Representing: **Grimsrud**

This file may be shown to any legislator: **NO**

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Public Assistance - misc**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Grimsrud, BB0032 -

Topic:

Emergency assistance

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 09/19/2008	jdye 09/22/2008		_____			
/P1			jfrantze 09/22/2008	_____	sbasford 09/22/2008		
/1	pkahler 01/16/2009	jdye 01/16/2009	phenry 01/16/2009	_____	cduerst 01/16/2009		

FE Sent For:

<END>

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/?	pkahler 09/19/2008	jdyer 09/22/2008					
/P1		1/16 jld	jfrantze 09/22/2008	1/16 ph	sbasford 09/22/2008		
FE Sent For:			1/16 ph				

<END>

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/?	pkahler	PI 9/22 jld		Self 9/22			

FE Sent For:

<END>

2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Emergency Assistance
- Tracking Code: BB0032
- SBO team: Education, Children & Families
- SBO analyst: Sarah Grimsrud
 - Phone: 266-2288
 - Email: Sarah.Grimsrud@Wisconsin.gov
- Agency acronym: DCF
- Agency number: 437
- Priority (Low, Medium, High): High

Intent:

Under current law the department is responsible for administering, in conjunction with W-2 agencies, a program of emergency assistance to needy person in case of fire, flood, natural disaster, homelessness, or impending homelessness, or energy crisis. The department is required to establish a maximum amount of aid to be granted based on the funding available under specified appropriations, and for all of the crisis types except energy crisis to establish the maximum amount "per family member." This request would delete this restriction. All currently eligible crisis types would continue to be eligible for assistance.

RESEARCH APPENDIX - Draft Transfer/Copy Request Form

- Atty's please complete this form and give to Mike Barman

(Request Made By: PJK) (Date: 9 / 19 / 08)



☐ Please transfer the drafting file for

2007 LRB to the drafting file

for 2009 LRB

The final version of the 2007 draft and the final Request Sheet will copied on yellow paper, and returned to the original 2007 drafting file. A new cover sheet will be created/included listing the new location of the drafting file's "guts".

For research purposes, because the 2007 draft was incorporated into a new 2009 draft, the complete drafting file will be transferred, as a separate appendix, to the new 2009 drafting file. This request form will be inserted into the "guts" of the 2009 draft. If introduced, the appendix will be scanned/added to the electronic drafting file folder.

--OR--

☒ Please copy the drafting file for

2009 LRB - 0239 / P1 (include the version) and place it in the

drafting file for 2009 LRB - 0315

For research purposes, because the original 2009 draft was incorporated into another 2009 draft, the original drafting file will be copied on yellow paper (darkened/auto centered/reduced to 90%) and added, as a separate appendix, to the new 2009 drafting file. This request form will be inserted into the "guts" of the new 2009 draft. If introduced the appendix will be scanned/added to the electronic drafting file folder.

The original drafting file will then returned, intact, to its folder and filed. For future reference, a copy of the transfer/copy request form will also be added to the "guts" of the original draft.



State of Wisconsin
2009 - 2010 LEGISLATURE

-0315/P1
LRB-0239/P1

PJK/plc/rs

keep

DOA....

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

DOA draft

D-vote
(2-9-19)

x

do not gen

the budget ✓

1 AN ACT ...; relating to: emergency assistance amounts.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DCF administers a program of emergency assistance to needy persons in cases of fire, flood, natural disaster, energy crisis, or homelessness or impending homelessness. Except for cases of energy crisis, DCF must establish the maximum amount of aid to be granted per family member, and must publish the maximum amount and any changes to it in the Wisconsin Administrative Register. This bill provides that DCF must establish the amount of aid to be granted, including in cases of energy crisis, rather than the maximum amount to be granted for each family member, and that DCF must publish maximum amounts in the Wisconsin Administrative Register.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2 SECTION 1. 49.138 (1m) (intro.) of the statutes, as affected by 2007 Wisconsin

3 Act 20, is amended to read:

4 49.138 (1m) (intro.) The department shall implement a program of emergency
5 assistance to needy persons in cases of fire, flood, natural disaster, homelessness or

1 impending homelessness, or energy crisis. The department shall establish the
2 ~~maximum~~ amount of aid to be granted, ~~except for cases of energy crisis, per family~~
3 ~~member based on the funding available under s. 20.437 (2) (dz) and (md).~~ The
4 department need not establish the ~~maximum~~ amount by rule under ch. 227. The
5 department shall publish the maximum amount and annual changes to it amounts
6 in the Wisconsin administrative register. Emergency assistance provided to needy
7 persons under this section may only be provided to a needy person once in a
8 12-month period. Emergency assistance provided to needy persons under this
9 section in cases of homelessness or impending homelessness may be used only to
10 obtain or retain a permanent living accommodation. For the purposes of this section,
11 a family is considered to be homeless, or to be facing impending homelessness, if any
12 of the following applies:

13 **SECTION 9408. Effective dates; Children and Families.**

14 (1) EMERGENCY ASSISTANCE. The treatment of section 49.138 (1m) (intro.) of the
15 statutes takes effect on January 1, 2010, or on the effective date of this subsection,
16 whichever is later.

17 (END)

D - vote

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

-0315/plan
LRB-0239/P16h

PJK:ldrs

keep

September 17, 2008

new date

The language as changed in this draft seems a little too inspecific. Without more, it seems to invite questions. I think it would help to say that the department shall establish the amount of aid to be granted *on a case-by-case basis* or *per individual case* or *per needy person or family* or something of that nature, whatever the intention is.

Publishing *maximum amounts* is also a little inspecific. In current law, publishing the maximum amount makes sense because that is what the department establishes. As amended, the department establishes "the amount," so publishing maximum amounts does not have a direct reference. Are these the *overall* maximum amounts granted under the program, the maximum amounts granted for each type of crisis, or the maximum amounts granted in some other category?

Does this change first apply to applications received on January 1, 2010, determinations made on the effective date, or something else that occurs on the effective date?

Let me know if you want to make any changes in the draft.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0315/P1dn
PJK:jld:jf

September 22, 2008

The language as changed in this draft seems a little too inspecific. Without more, it seems to invite questions. I think it would help to say that the department shall establish the amount of aid to be granted *on a case-by-case basis* or *per individual case* or *per needy person or family* or something of that nature, whatever the intention is.

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Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0315/P1

PJK:ldj

keep
minimum

DOA:.....Grimsrud, BB0032 - Emergency assistance

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

(E-1-16)

X

do not get cut ✓

1 AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

Under current law, DCF administers a program of emergency assistance to needy persons in cases of fire, flood, natural disaster, energy crisis, or homelessness or impending homelessness. Except for cases of energy crisis, DCF must establish the maximum amount of aid to be granted per family member, and must publish the maximum amount and any changes to it in the Wisconsin Administrative Register. This bill provides that DCF must establish the amount of aid to be granted, including in cases of energy crisis, rather than the maximum amount to be granted for each family member, and that DCF must publish maximum amounts in the Wisconsin Administrative Register.

DCF does not establish
if the amounts by rule ✓

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2

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3

Act 20, is amended to read:

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SECTION 9408. Effective dates; Children and Families.

(1) EMERGENCY ASSISTANCE. The treatment of section 49.138 (1m) (intro.) of the statutes takes effect on January 1, 2010, or on the effective date of this subsection, whichever is later.

(END)

Insert 2-14

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0315/lins
PJK:jld:jf

INSERT 2-8

1

WAT if the department does not establish the amounts by rule *← score*

(END OF INSERT 2-8)

INSERT 2-14

2

SECTION 9308. *✓* **Initial applicability; Children and Families.** *✓*

3

(1) **EMERGENCY ASSISTANCE.** *✓* The treatment of section 49.138 (1m) (intro.) *✓* of the

4

statutes first applies to determinations of aid payment amounts that are made on the

5

effective date of this subsection. *✓*

(END OF INSERT 2-14)

Kahler, Pam

From: Grimsrud, Sarah - DOA [Sarah.Grimsrud@wisconsin.gov]
Sent: Friday, January 16, 2009 11:02 AM
To: Kahler, Pam
Subject: LRB Draft 0315

Hi Pam:

Regarding the draft for emergency assistance, please make the following changes to the draft:

1. Page 2, Line 7: Please change the "shall" to "may"
 - The intent is to retain DCF's option to either use rulemaking or, for simple changes in amounts (if used), merely publish them in the administrative register.
2. Initial Applicability: The statutory change should apply to determinations of the maximum payment amounts that are made by the administering agency on or after January 1, 2010.
 - The Provision needs to ensure that determinations made prior to January 1, 2010, are not automatically subject to administrative review under DWD 16.10 (since one the bases of review is currently merely that the award is insufficient).

Thanks Pam. If you have any questions, please feel free to contact me.

Sarah

Sarah E. Grimsrud
Executive Policy & Budget Analyst
State Budget Office
Division of Executive Budget & Finance
Wisconsin Department of Administration
(608) 266-2288

01/16/2009

Kahler, Pam

From: Grimsrud, Sarah - DOA [Sarah.Grimsrud@wisconsin.gov]
Sent: Friday, January 16, 2009 12:22 PM
To: Kahler, Pam
Subject: RE: LRB Draft 0315

That is fine!

Sarah

Sarah E. Grimsrud
Executive Policy & Budget Analyst
State Budget Office
Division of Executive Budget & Finance
Wisconsin Department of Administration
(608) 266-2288

From: Kahler, Pam [mailto:Pam.Kahler@legis.wisconsin.gov]
Sent: Friday, January 16, 2009 12:21 PM
To: Grimsrud, Sarah - DOA
Subject: RE: LRB Draft 0315

Sarah, is it ok if I say that the department "shall" publish the amounts if they do not establish them by rule? If I just change "shall" to "may," they could do neither (rule or publish).

Pam

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Division of Executive Budget & Finance
Wisconsin Department of Administration
(608) 266-2288

01/16/2009



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-0315/1

PJK:jld:ph

DOA:.....Grimsrud, BB0032 - Emergency assistance

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

PUBLIC ASSISTANCE

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16 effective date of this subsection.

17 **SECTION 9408. Effective dates; Children and Families.**

18 (1) EMERGENCY ASSISTANCE. The treatment of section 49.138 (1m) (intro.) of the
19 statutes takes effect on January 1, 2010, or on the effective date of this subsection,
20 whichever is later.

21 (END)